

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Env-A 101 Various sections

<p>1. Agency Name & Address:</p> <p>Dept. of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<p>2. RSA Authority: RSA 125-C:4, RSA 125-D:3,II, RSA 125-I:6, RSA 141-E:4,II</p> <hr/> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment <u> x </u></p> <p>Repeal <u> x </u></p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: AIR DEFINITION AMENDMENTS

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Env-A 101 contains definitions of terms that are used throughout the Env-A rules. As substantive rules have been amended through the years, some of the terms used in those rules and defined in Env-A 101 have been deleted. Other rules have been added so that a definition in Env-A 101 may no longer apply to every use of that term. The Department is proposing to repeal those definitions that are no longer used in Env-A rules or which are also defined in another chapter and used only in that chapter. In addition, some typographical and substantive errors are being corrected. For example, the definition of “wood waste burner” is being amended so that it will no longer conflict with Env-A 1902.01(f), which was adopted later and clearly provides that wood waste burners are subject to certain requirements in Env-A 1900, *Incinerators*.

6. (b) Brief description of the groups affected:

Any entity regulated by the Department pursuant to the Env-A rules is affected by the definitions applicable to those rules. However, there is no major substantive effect due to changes being proposed for Env-A 101, as explained above.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Proposed Rule	Specific State or Federal Statute which the Rule is Intended to Implement
Env-A 101.04 (Repealed)	RSA 125-D:3; 42 U.S.C. §7651g(b)
Env-A 101.11, 101.21, 101.25 (Repealed)	RSA 125-C:4, I(a)
Env-A 101.29 (Repealed)	RSA 141-E:4, II
Env-A 101.33 (Repealed)	RSA 125-D:2
Env-A 101.34 (Repealed)	RSA 125-C:4, I(a); 42 U.S.C. § 7671
Env-A 101.43 – 101.46 (Repealed)	RSA 125-D:2
Env-A 101.48, 101.49, 101.50, 101.53, 101.55, 101.71, 101.73 (Repealed)	RSA 125-C:4, I(a)
Env-A 101.86 (Repealed)	RSA 125-C:4, I(a); 42 U.S.C. §7408(b)
Env-A 101.88 (Repealed)	RSA 21-O:3, VIII
Env-A 101.66 (formerly 101.90)	RSA 125-I:5, V
Env-A 101.69 intro. and (a) (formerly 101.93)	RSA 125-D:3, 42 U.S.C. § 7651a(26), and 40 CFR 72.2
Env-A 101.97, 101.98, 101.102 (Repealed)	RSA 125-C:4, I(a)
Env-A 101.79 (formerly 101.106)	RSA 125-C:4, I(a); 42 U.S.C. §7661a(b)(10)
Env-A 101.89 (formerly 101.120)	RSA 125-C:4, I(a), RSA 125-I:6, II, RSA 141-E:4, II
Env-A 101.109 (Repealed)	RSA 125-D:2
Env-A 101.116, 101.117, 101.119, 101.121, 101.128 (Repealed)	RSA 125-C:4, I(a)
Env-A 101.130 (Repealed)	RSA 141-E:4, II
Env-A 101.140, 101.153, 101.158 (Repealed)	RSA 125-C:4, I(a)
Env-A 101.172 (Repealed)	RSA 125-D:2
Env-A 101.179, 101.184, 101.188, 101.197, 101.202, 101.215 (Repealed)	RSA 125-C:4, I(a)
Env-A 101.152 (formerly 101.195)	RSA 125-C:4, I(a)
Env-A 101.234 (Repealed)	RSA 125-C:4, I(a); 42 U.S.C. §7412(f)
Env-A 101.186 (formerly 101.235)	RSA 125-C:4, I(g); 42 U.S.C. §7661b; 40 CFR 70.2
Env-A 101.237 (Repealed)	RSA 125-C:4, I(a)
Env-A 101.247, 101.248 (Repealed)	RSA 125-C:4, I(a); 42 U.S.C. § 7661a(b); 40 CFR 70.7(e)
Env-A 101.250, 101.267, 101.270 (Repealed)	RSA 125-C:4, I(a)
Env-A 101.223 (formerly 101.274)	RSA 141-E:4, II
Env-A 101.296 (Repealed)	RSA 125-C:4, I(a); 42 U.S.C. §7651a
Env-A 101.301 (Repealed)	RSA 141-E:4, II
Env-A 101.242 (formerly 101.304)	RSA 125-C:4, I(a)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

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The proposed rules can be viewed and
downloaded at
<http://www.des.state.nh.us/ard/prpsdrul.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **October 25, 2004, at 4:00 p.m.**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, October 14, 2004, at 10:00 a.m.**

Place: **29 Hazen Drive, Concord, NH Room 114**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:148 , dated August 2, 2004

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed amendments revise definitions and so do not have costs associated with them. Thus, the rule does not violate Part I, Article 28-a of the New Hampshire Constitution, because it will not impose any new costs on political subdivisions of the state.